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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2013-943**

11 **REMILDA MANANTAN BRACEROS**
12 **2991 St. Cloud Drive**
13 **San Bruno, CA 94066**

ACCUSATION

14 **Registered Nurse License No. 678690**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 3, 2006, the Board of Registered Nursing issued Registered Nurse
23 License Number 678690 to Remilda Manantan Bracerros (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on December 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
3 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
4 licensee or to render a decision imposing discipline on the license.

5 5. Section 118, subdivision (b), of the Code provides that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
7 within which the license may be renewed, restored, reissued or reinstated.

8 STATUTORY AND REGULATORY PROVISIONS

9 6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
10 that the Board may discipline any licensee, including a licensee holding a temporary or an
11 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
12 Nursing Practice Act.

13 7. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct . . .

17 . . ."

18 8. California Code of Regulations, title 16, section 1444, states:

19 "A conviction or act shall be considered to be substantially related to the qualifications,
20 functions or duties of a registered nurse if to a substantial degree it evidences the present or
21 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
22 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

23 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
24 subdivision (d) of Penal Code Section 11160.

25 "(b) Failure to comply with any mandatory reporting requirements.

26 "(c) Theft, dishonesty, fraud, or deceit.

27 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
28 Penal Code."

1 COST RECOVERY

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 FIRST CAUSE FOR DISCIPLINE

9 (PHYSICAL ABUSE OF PATIENT)

10 10. Respondent is subject to disciplinary action under section 2761(a) and California
11 Code of Regulations, title 16, section 1444 in that she physically abused a patient when, on
12 October 15, 2011, while working as a registered nurse at San Francisco General Hospital in San
13 Francisco, California, she slapped the forearm of a 71 year old non-English speaking patient with
14 dementia when he attempted to get out of bed. Respondent slapped the patient three times on the
15 forearm, and yelled "Stay in bed! No, no, stop!" or words to that effect.

16 SECOND CAUSE FOR DISCIPLINE

17 (UNPROFESSIONAL CONDUCT)

18 11. Respondent is subject to disciplinary action under section 2761(a) in that she acted
19 unprofessionally as alleged above in paragraph 10.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 678690, issued to
24 Remilda Manantan Bracerros;

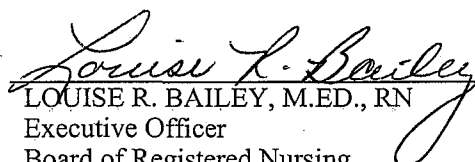
25 2. Ordering Remilda Manantan Bracerros to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 22, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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